

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Elvira Perez,

Plaintiff,

v.

Robert F. Kennedy, in his official capacity
as Secretary of Health and Human
Services; Leland Dudek, in his official
capacity as Acting Commissioner for
Social Security; Eunice Medina, in her
official capacity as interim Director of the
South Carolina Department of Health and
Human Services; Emily Zalkovsky, in her
official capacity as Director for the Texas
Health and Human Services Commission;
and David J. Cole, in his official capacity
as President of The Medical University of
South Carolina,

Defendant.

C/A No. 1:25-cv-1153-JFA-SVH

ORDER

This matter comes before the court on the notice of voluntary dismissal filed by Jose A. Perez, son of Plaintiff.¹ (ECF No. 13). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review. After receiving the notice of voluntary dismissal, the Magistrate Judge prepared a thorough Report and Recommendation² (“Report”). (ECF No. 14). Within the Report, the

¹ Mr. Perez has been advised that he may not proceed pro se in this case on his mother’s behalf. (ECF No. 10).

² The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this

Magistrate Judge opines that this matter should be dismissed pursuant to the Notice of Voluntary Dismissal. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on March 28, 2025. *Id.* The Magistrate Judge required Plaintiff to file objections by April 11, 2025. *Id.* Plaintiff failed to file objections. Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that Plaintiff's Complaint is subject to dismissal.

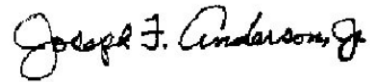
After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the

Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 14). Consequently, this action is dismissed without prejudice pursuant to the Notice of Voluntary Dismissal.

IT IS SO ORDERED.

May 21, 2025
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge